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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,002	06/19/2006	Janne Suotula	P18383-US1	1051
27045	7590	02/22/2008		
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER OVANDO, PABLO R	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 02/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,002	Applicant(s) SUOTULA ET AL.	
	Examiner Pablo R. Ovando	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it has claim language, such as "said" and "comprise". Correction is required. See MPEP § 608.01(b).

Drawings

2. The informal drawings are not of sufficient quality to permit examination. Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to this Office action. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

Applicant is given a TWO MONTH time period to submit new drawings in compliance with 37 CFR 1.81. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). Failure to timely submit replacement drawing sheets will result in ABANDONMENT of the application.

The components in fig. 3 should have appropriate labeling, wherein the labeling should be more than just numbers.

Claim Objections

3. Regarding **claim 20**, last line recites "of the of the". Appropriate correction is required

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2-16, 19 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelaez et al, US Patent Application Publication 2004/0190689 (hereinafter referenced as Pelaez) in view of Ejzak, US Publication Application Publication 2003/0027569) and in further view of Bos et al, US Patent Application Publication 2004/0008669 (hereinafter referenced as Bos).

As to **claim 2**, Pelaez discloses setting up a call between first and second nodes of a communication system, said call extending across a circuit switched access network (paragraph 58) available to the first node and a packet switched backbone

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network (fig. 1 IMS), the networks being interconnected by at least one Media Gateway (fig. 1 MGW 70), the method comprising:

1) sending a call initiation message from the first node to the second node via a control node over a packet switched access network available to the first node (paragraph 65 lines 1-4, note that the "first node" reads on user A, "second node" reads on the destined location, "control node" reads on CSCF 22 and "packet switched access network" reads on Internet protocol multimedia subsystem (IMS). Additionally, paragraph 65 teaches that the user selects the media type for the transmission and paragraph 58 teaches the CSCF 22 interacts with the MGCF 28 for calls to and from the PSTN network);

2) at the control node, obtaining from a Home Subscriber Server the identity of a Media Gateway Control Function controlling that Media Gateway which will terminate the circuit switched call for the first node (paragraph 66 discloses that the CSCF queries the profile and other pertinent information of the calling and called party. Paragraph 56 teaches that the CSCF control the MGCF and the bearer paths, where the MGW 26 is a bearer path. Additionally, paragraph 58 teaches that the CSCF determines the appropriate MGCF); and

establishing a circuit switched call between the first node and said Media Gateway (paragraph 70 lines 1-5 teaches that once the details are negotiated, the call is established. Additionally paragraph 58 teaches that the MGCF interacts with the PSTN network to set up a call using a bearer path and paragraph 60 teaches that the MGW acts as a bearer path).

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Pelaez does not explicitly teach the steps of sending from the control node to the first node over the packet switched access network, a circuit switched access number associated with the identified Media Gateway Control Function; calling said access number from the first node, and as part of the call set-up procedure communicating the identity of the Media Gateway selected to terminate the call to the Media Gateway Control Function; terminating the circuit switched call at the selected Media Gateway ; and sending an update message from the first node to the second node over the packet switched access network, the Media Gateway Control Function incorporating into the update message an IP address of said selected Media Gateway.

In the same field of endeavor, Ejzak teaches that the IMS assigns a temporary PSTN number associated with an MGCF to the GMSC for use to forward the call during call delivery (paragraphs 102 and 103). Note that paragraph 38 teaches that the MGW 148 has the capability to register with the MGCF 145, which indicates that the MGCF knows the MGW being used . Additionally, note that in fig. 2, the media gateway controlled by the MGCF is communicated with the media gateway which terminates the circuit switched network. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the teachings of Ejzak in Pelaez for the purpose of having a system that supports features and services for mobile units using either circuit switched or packet service communication systems).

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In the same field of endeavor, Bos teaches that the MSC and MGCF use the same access number to setup the call. Additionally, Bos teaches that an Update message is sent to the called terminal and contains the IP address of the gateway 7 (paragraph 54). Additionally, Bos teaches that the number is sent to the switch 6, wherein necessarily the calling unit 5 receives the message since a setup is created. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the teachings of Bos in Pelaez for the purpose of letting the destined location know where to respond (paragraph 54).

As to **claim 3**, Ejzak teaches that packet session is established utilizing the Session initiation Protocol (SIP), and said control node is a serving call state control function located within the IP Multimedia Subsystem (paragraph 36).

As to **claim 4**, Ejzak teaches that the call initiation message is a SIP INVITE message (paragraph 36).

As to **claim 5**, Bos teaches that the call initiation message is sent from the Serving Call State Control Function node to said second node via the Media Gateway Control Function, following identification of the Media Gateway Control Function by the Serving Call State Control Function (paragraphs 56 and 58).

As to **claim 6**, Ejzak teaches the step of sending a circuit switched access

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number from the control node to said first node includes, following receipt of the call initiation message at the Media Gateway Control Function, sending from the Media Gateway Control Function to said first node, via the Serving Call State Control Function, a SIP message containing the access number (paragraphs 102 and 103).

As to **claim 7**, Bos teaches the step of calling said access number from the first node being carried out automatically at the first node following receipt at that node of the SIP message (paragraph 52).

As to **claim 8**, Bos teaches that the SIP message containing the access number is a SIP REFER message.
9 (paragraph 52).

As to **claim 9**, Bos teaches the message being a SIP UPDATE message (paragraph 52).

As to **claim 10**, Ejzak teaches that both the first and second nodes are attached to respective circuit switched and packet switched access networks, the method comprising carrying out steps 2) to 6) for the second node to establish a circuit switched call at the terminating side between the second node and a Media Gateway selected for that node, and carrying out step 7) to signal to the initiating side the IP address of that Media Gateway (paragraph 6 and fig. 1).

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As to **claim 11**, Pelaez teaches second node has access to only a packet switched access network, and said Media Gateway exchanges packets directly with the second node (fig. 1 element 50 and paragraph 60, note that the MMT is directly connected to a packet network and the MGW serves a bearer path interface).

As to **claim 12**, Pelaez teaches that one or both of the first and second nodes are user terminals (fig. 1 element 40, 50, 60).

As to **claim 13**, Pelaez teaches the step of identifying a Media Gateway Control Function at the control node comprises receiving from a Home Subscriber Server either the identity of the switch to which the first node is currently attached or the identity of the Media Gateway Control Function associated with that switch (paragraph 56, paragraph 58 lines 1-5 and paragraph 66).

As to **claim 14**, Ejzak teaches that the identity information is sent by the Home Subscriber Server automatically following SIP registration of the first node (paragraphs 86-84).

As to **claim 15**, Pelaez teaches that the communications system is a cellular radio communications system (paragraph 51).

As to **claim 16**, Pelaez teaches that the identity is received in response to a query sent to the Home Subscriber Server by the control node, the query being triggered by receipt of the call initiation message (paragraph 56, paragraph 58 lines 1-5 and paragraph 66).

As to **claim 19**, Claim 19 encompasses the same subject matter as claim 1 with the exception of disclosing that a SIP invite message and a SIP refer message are

used. Using the above mentioned type messages are well known in the art. Bos and Ejzak disclose the use of a SIP Invite and SIP refer. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the above mentioned messages in Pelaez for the purpose of following a certain protocol.

As to **claim 20**, Claim 20 encompasses the same subject matter as claim 19 with the exception of disclosing that step of sending a query to the HSS. For the reasons mentioned above, in claim 19, claim 20 is anticipated.

5. **Claims 17 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelaez in view of Ejzak and Bos, as applied to claims 15 and 16, and in further view of, US Patent Application Publication 2004/0190498 (hereinafter referenced as Kallio).

As to **claim 17**, Pelaez meets all the limitations with the exception of disclosing that Home Subscriber Server receives Mobile Switching Centre location data for subscribers from a Home Location Register. Kallio teaches that the MSC is capable of submitting an inquiry to the HLR and since there is a connection between the MSC and the MGCF, it would be possible for the MSC to updating the HSS (paragraph 57 lines 4-9). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the teaching of Kallio in Pelaez for the purpose of efficiently converting between network Platforms.

As to **claim 18**, Pelaez meets all the limitations with the exception of disclosing setting up of the call to the Media Gateway is controlled by a Mobile Switching Centre, the Mobile Switching Centre sending an Initial Address Message to the Media Gateway Control Function and that message containing the identity of the selected Media Gateway (paragraph 57 lines 7-10). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the teachings in of Kallio in Pelaez for the purpose of efficiently converting between network Platforms.

Response to Arguments

A new rejection for claims 1-20 has been set forth.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo R. Ovando whose telephone number is 571-272-9752. The examiner can normally be reached on M-F 7:30 am to 5:00pm, EST, Alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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